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August 5, 2019

**VIA ECF**

Honorable Deborah A. Batts, U.S.D.J.  
United States District Court, Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 2510  
New York, New York 10007

**Re: Alon Nachmany v. FXCM, Inc.**  
**Docket No.: 16-CV-00225 (DAB) (KNF)**  
**Request for Status of Pending Motion**

Dear Judge Batts:

Please be advised that this office represents Alon Nachmany ("Plaintiff") in the above-referenced matter against FXCM, Inc. ("FXCM"), Ryan Leonard ("Leonard"), and Seth Lyons ("Lyons") (collectively, "Defendants").

As per Section I(A) of your Honor's Individual Practices, please allow the instant correspondence to serve as a follow-up request from the undersigned on behalf of Plaintiff regarding the status of Defendants' pending motion, as described below. Please be advised that counsel for Defendants does not object to the submission of the instant request.

For the purposes of relevant background, on January 12, 2016, Plaintiff filed the Complaint against Defendants asserting causes of action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, New York State Human Rights Law (New York Executive Law) §§ 290 and 296, and New York City Human Rights Law (New York City Administrative Code) §§ 8-101, *et seq.* (*See* Dkt. 4). On April 14, 2016, Defendants filed a Motion to Dismiss and to Strike, pursuant to Federal Rules of Civil Procedure ("FRCP") Rules 12(b)(6) and 12(f) seeking to dismiss 16 out of the 28 claims contained in the Complaint and to strike certain allegations in and exhibits to the Complaint ("Partial Motion to Dismiss/Strike"). (*See* Dkt. 12). On May 17, 2016, Plaintiff filed his Opposition to the Partial Motion to Dismiss/Strike. (*See* Dkt. 16). On June 15, 2016, Defendants filed their Reply to the Partial Motion to Dismiss/Strike. (*See* Dkt. 17). The Partial Motion to Dismiss/Strike is still pending before the Court.

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During the pendency of the Partial Motion to Dismiss/Strike, Defendant FXCM filed for Chapter 11 Bankruptcy on December 11, 2017, and the Court ordered all proceedings in the instant matter be administratively stayed on January 10, 2018. (*See* Dkt. 19). On February 12, 2018, Defendants apprised the Court and Plaintiff that Defendant FXCM had emerged from the bankruptcy proceedings, and as such the administrative stay was lifted as a result thereof. (*See* Dkt. 23).

On June 18, 2018, the undersigned filed the first request seeking an update on the status of Defendants' Partial Motion to Dismiss/Strike. (*See* Dkt. 24). Then, on December 13, 2018, the undersigned filed the second request seeking an update on the status of Defendants' Partial Motion to Dismiss/Strike. (*See* Dkt. 25). Finally, on April 24, 2019, the undersigned filed the third request seeking an update on the status of Defendants' Partial Motion to Dismiss/Strike. (*See* Dkt. 26). To date, the parties have not received any response thereto.

Accordingly, as referenced above, please allow the instant correspondence to serve a follow-up request from the undersigned on behalf of Plaintiff to ascertain the status of the Partial Motion to Dismiss, as this motion has now been pending for over three years.

In the interim, if the Court has any questions, comments, and/or concerns regarding the instant matter, please feel free to contact counsel for Plaintiff and/or Defendants, who will respectively make themselves available to the Court.

Finally, counsel for the parties thank the Court for the time and attention to the issues presented herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen Mc Quade', written over a large, stylized, light-colored circular mark.

Stephen Mc Quade

SM/jmc

cc: Gary D. Friedman, Esq., Counsel for Defendants (*via ECF*)